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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,483	03/15/2001	Kurt R. Linberg	P-8945	5644
27581 7590 02/27/2007 MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			EXAMINER NAJARIAN, LENA	
			ART UNIT 3626	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/809,483

Applicant(s)

LINBERG ET AL.

Examiner

Lena Najarian

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Request for Continued Examination (RCE) filed 11/30/06. Claims 22-29 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkind (US 2003/0158754 A1) in view of Linder et al. (US 6,681,003 B2), in view of Segal et al. (US 2001/0041991 A1), and further in view of Ilse et al. (US 6,757,898 B1).

(A) Referring to claim 22, Elkind discloses a data communications server system, comprising (see abstract of Elkind):

an information network (abstract of Elkind);

means for logging into the information network (para. 12 of Elkind);

a communications portal resident on a server and accessed over an information network to present information associated with a patient, comprising (Fig. 3 and Fig. 4 of Elkind):

means for allowing a user to log-in to the communications portal (para. 12 of Elkind);

means for making a user verification (para. 12 of Elkind);

means for automatically presenting a web page (Fig. 7 of Elkind);

means for accessing a patient medical records database over the information network (para. 2 of Elkind); and

means for integrating accessible databases through user selectable links (Fig. 7 of Elkind).

Elkind discloses data relating to medical devices, such as pacemakers or other implants (see para. 44 of Elkind). However, Elkind does not expressly disclose an individual implantable medical device patient and an implantable medical device database.

Linder discloses an individual implantable medical device patient and an implantable medical device database (see col. 9, lines 33-41 and col. 3, lines 5-13 of Linder).

Elkind and Linder do not expressly disclose a patient lab records database.

Segal discloses a patient lab records database (para. 112 and Fig. 1 of Segal).

Elkind, Linder, and Segal do not expressly disclose that the web page is customized to the individual implantable medical device patient that includes a display of information relevant to the implantable medical device implanted in the patient.

Ilse discloses that the web page is customized to the patient and includes a display of information relevant to the patient (col. 33, lines 20-24 of Ilse).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Linder, Segal, and Ilsen within Elkind. The motivation for doing so would have been to monitor and upgrade the performance of the device (col. 3, lines 5-13 of Linder), to track results of tests and procedures (para. 112 of Segal), and to provide a fully automated mechanism for generating a personalized area (col. 4, lines 41-43 of Ilsen).

(B) Referring to claim 23, Elkind discloses a web browser connectable to the communications portal by entering a portal URL (para. 37 and para. 41 of Elkind).

(C) Referring to claim 24, Elkind and Linder do not expressly disclose wherein the communications portal further comprises a physician welcome interface.

Segal discloses wherein the communications portal further comprises a physician welcome interface (Fig. 5a and para. 111 of Segal).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Segal within Elkind and Linder. The motivation for doing so would have been to allow the physician to access the various components (para. 111 of Segal).

(D) Referring to claim 25, Elkind and Segal do not disclose wherein the physician welcome interface comprises a listing of all implantable medical device patients being treated by a physician.

Linder discloses a listing of all implantable medical device patients being treated by a physician (see abstract and col. 8, lines 39-41 of Linder).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Linder within Elkind and Segal. The motivation for doing so would have been to allow for the accessing of the patient information in several ways (col. 8, lines 39-41 of Linder).

(E) Referring to claim 26, Elkind discloses wherein the interface comprises an email link, a print link, and a product information link (para. 56, para. 45, para. 46, and para. 13 of Elkind).

(F) Referring to claim 27, Elkind discloses wherein the interface comprises means for accessing a search engine to locate information on servers accessible to the communications portal (para. 35 of Elkind).

(G) Referring to claim 28, Elkind discloses means for accessing back office automation operations comprising patient follow-up scheduling (para. 51 of Elkind).

Elkind and Linder do not disclose automated billing of services.

Segal discloses automated billing of services (para. 121 of Segal).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Segal within Elkind and Linder. The motivation for doing so would have been to conveniently retrieve the information necessary for completing bills (para. 121 of Segal).

(H) Referring to claim 29, Elkind, Linder, and Segal do not expressly disclose wherein the means for presenting a customized web page provides for presentation of one or more of a physician web page portal and a patient web page portal, and wherein each of the web page portals comprises personalized content based on user role.

Ilсен discloses wherein the means for presenting a customized web page provides for presentation of one or more of a physician web page portal and a patient web page portal, and wherein each of the web page portals comprises personalized content based on user role (abstract and Fig. 3 of Ilсен).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Ilсен within Elkind, Linder, and Segal. The motivation for doing so would have been to offer an automated and efficient provider-patient communication system that resolves both the patient's and the provider's aggravation by providing appropriate healthcare information and services (col. 4, lines 37-40 of Ilсен).

Affidavits

4. The declaration filed on 10/16/06 under 37 CFR 1.131 has been considered but is ineffective to overcome the Linder et al. (US 6,681,003 B2) reference.
5. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Linder reference to either a constructive reduction to practice or an actual reduction to practice. While Applicant did provide evidence to establish a conception of the invention prior to the effective date of the reference, no evidence was submitted to establish diligence.

Conclusion


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2-8-07


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